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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Franciscans International, Commission of the Churches on International Affairs of the World Council of Churches, International Youth and Student Movement for the United Nations, non-governmental organizations in general consultative status, Union of Arab Jurists, General Arab Women Federation, non-governmental organizations in special consultative status, International Educational Development, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and Climate Change*

There is likely no greater threat to human rights in the 21st Century than climate change. More than 100 million sub-Saharan Africans will die from the adverse effects of climate change. Ambassador Lumumba Daping of the G77 warned the world in 2010 at the Copenhagen Climate Summit, unless adequate action is taken to protect the human rights of individuals and peoples from climate change, which is caused by human beings over-exploitation of our common atmosphere today and for the past two or more years. To date the action needed to prevent the tragic and massive violation of human rights has not been taken. The Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to be held in Paris late this year may be our last chance to take the global action that is necessary to protect the vital interests of the most vulnerable people on earth. This 29th Regular Session of the Human Rights Council may be the last opportunity that the Council has to encourage States to take the action that is need to protect all people from the adverse effects of climate change.

Attached below is our proposal containing the elements of a draft resolution by the Member States of the Council that would show their resolve to protect the human rights of all people from climate change. Realizing the political complexities of the climate change issue and the ongoing UNFCCC negotiations, the last round from 1 to 11 June 2015, we hope that this proposal will be the minimum that can be achieved by the Council. Anything less will send the signal to States that their governments are not ready to act to adequately protect them from the threats to their human rights that are posed by the adverse effects of climate change.

We hope States will reflect very seriously on these proposed elements as they reflect what has been agreed in the past and what must be agreed in the future. The minimal action of creating a Special Rapporteur on human rights and climate change is something that civil society unanimously requested at the 2010 Social Forum of the Council that was focused on human rights and climate change. Civil Society has repeatedly said that we must not merely continue to discuss this issue as some States have suggested, but that we must take action to implement unambiguous actions that well-established international law prescribe for States in the realm of both international climate change and human rights law. While international human rights law obliges States to ensure the human rights of all people under the jurisdiction of each State, international climate change law prescribes legal obligations for States requiring them to act as prescribed by the UNFCCC in relation to the threat to human rights posed by climate change.

To date the Council has adopted five resolutions, held a panel, a seminar, a full-day discussion and requested and received a report of the OHCHR on climate change. The full-day discussion held on 6 March 2015, while welcomed, continues a trend of discussion and no action despite the existence of readily available science evidence about the adverse effects of climate change on human rights and the existence of elaborated legal obligations that indicate how states should act to prevent the violation of their peoples' human rights.

It is thus the spirit of cooperation and partnership and with an unyielding commitment to responsible action that the NGOs joining this written submission offer the below concrete elements for a Council resolution on human rights and climate change.

Elements of a Council resolution on human rights and climate change

1. The Council should be guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights and other relevant human rights instruments.

2. The Council should reaffirm the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the objectives and principles thereof, particularly the principle of common but differentiated responsibilities and respective capabilities.

3. The Council should reaffirm the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development, and the Plan of Implementation of the World Summit on Sustainable Development.

4. The Council should recall its resolutions 7/23 of 28 March 2008, 10/4 of 25 March 2009, 18/22 of 17 October 2011, 26/L33 on 23 June 2014 on human rights and climate change, which recognize the significant impacts of the adverse effects of climate change on the effective enjoyment of human rights.

5. The Council should recognize that the historic overuse of atmospheric space by developed countries has additional negative impacts on the enjoyment of human rights in developing countries, as well as on the right to development.

6. The Council should note that States' legal duty to cooperate internationally to achieve universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion is of renewed importance in the face of the impacts of climate change on human rights.

7. The Council should stress the primary responsibility of states to protect all its citizens under its jurisdiction as well as in the broader international community against the impacts of climate change on human rights.

8. The Council should decide to create the mandate of the Special Rapporteur on human rights and climate change for a period of three years, who shall report on the impact of climate change in view of the equitable use and historical responsibility of States for their use of the atmospheric space, in relation to all human rights with an emphasis on the right to development and requests the Special Rapporteur submit a report to the Council for consideration at its thirty-second session and requests that the Office of the High Commissioner for Human Rights to provide the independent expert with all necessary assistance to discharge the mandate fully.

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*International-Lawyers.Org, NGO without consultative status, also shares the views expressed in this statement